



**U.S. Army Corps
of Engineers
Baltimore District**

Public Notice

**In Reply to Application Number
CENAB-OP-RMS (CENAB-OP-RMS (MD SHA/PROJECT NO
AW896A21/MD 404:US 50 TO DENTON BYPASS) 2007-07817-M13**

PN-08-53

Comment Period: July 28, 2008 to August 28, 2008

THE PURPOSE OF THIS PUBLIC NOTICE IS TO SOLICIT COMMENTS FROM THE PUBLIC ABOUT THE WORK DESCRIBED BELOW. AT THIS TIME, NO DECISION HAS BEEN MADE AS TO WHETHER OR NOT A PERMIT WILL BE ISSUED.

The Baltimore District has received an application for a Department of the Army Permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act (33 U.S.C. 1344), as described below:

APPLICANT: Maryland Department of Transportation
State Highway Administration
Attn: Ms. Susan Ridenoir
707 N. Calvert Street Mailstop C-306
Baltimore, Maryland 21201

LOCATION: This corridor project spans approximately 11 miles through Caroline, Queen Anne's, and Talbot Counties.

WORK: To permanently impact Waters of the United States, including jurisdictional wetlands incidental to the dualization of Maryland Rte. 404 as a four lane divided highway from the intersection with U.S. Rte. 50 to the western terminus of the Denton Bypass. At this time, only Phase 1A has final design and is scheduled to be constructed first. The final design plans for the remaining phases will be submitted to this office for evaluation and review, prior to the inclusion of the phases in the authorization. Phase 1A starts east of Tuckahoe Creek and extends to just east of the intersection with MD Rte. 480. Phase 1A will impact approximately 1.45 acres of non-tidal wetlands, of which 0.17 acre is excavated wetland road side drainage ditches; and 470 linear feet (LF) of stream/Waters of the United States. Phase 1A does not contain any bridge structures or box culverts. The entire corridor project will impact approximately 6.46 acres of non-tidal wetlands and 7,275 LF of Waters of the U.S. The corridor project will cross 19 streams requiring extensions or up-grades of existing pipes and culverts, and these crossing are tributaries to, or the actual water courses of Mill Creek, Norwich Creek, Tuckahoe Creek, and the Choptank River. The unavoidable Phase 1A impacts are proposed to be mitigated by the construction of 1.2 acres of emergent non-tidal wetlands and 2.2 acres of palustrine forested non-tidal wetlands in an existing farm field located between MD Rte. 404 and Alt. MD Rte. 404 east of Hillsboro in the Tuckahoe Creek watershed. Mitigation for the stream impacts will be in the form of stream restoration and fish blockage removal projects. Mitigation sites for the remaining impacts for additional phases of the corridor are being investigated by SHA at this time and formal mitigation plans will be developed by the SHA and submitted to this office for review and approval as a part of the final design of the later project phases. The attached wetland impact plates 1-8 of 8 depict the conceptual wetland impact areas for the entire project corridor. Plates 18-22 of 36 depict the final design plates of the

proposed impact areas of Phase 1A. Full size plans are available for review in the U.S. Army Corps of Engineers Easton Field Office by appointment. For additional information, please contact Rod Schwarm of the Easton Field Office at 410-820-8550.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The applicant is required to obtain a water quality certification in accordance with Section 401 of the Clean Water Act from the Maryland Department of the Environment. Any written comments concerning the work described above which relate to water quality certification must be received by the Standards and Certification Division, Maryland Department of the Environment, Montgomery Park Business Center, 1800 Washington Boulevard, Suite 430, Baltimore, Maryland 21230-1708 within the comment period as specified above to receive consideration, with a copy provided to the Corps at the below address. Written comments concerning the work described above related to the factors listed above or other pertinent factors must be received by the District Engineer, US Army Corps of Engineers, Baltimore District, PO Box 1715, Baltimore, Maryland 21230-1715, within the comment period as specified above to receive consideration. The 401 certifying agency has a statutory limit of one year to make its decision.

The applicant has certified in this application that the proposed activity complies with and will be conducted in a manner consistent with the Maryland Coastal Zone Program. This certification statement is available for inspection in the Baltimore District Office; however, public comments relating to consistency must be received by the Coastal Zone Division, Maryland Department of the Environment, Montgomery Park Business Center, 1800 Washington Boulevard, Suite 430, Baltimore, Maryland 21230-1708, with a copy provided to the Corps, within the comment period as specified above. It should be noted that the Coastal Zone Division has a statutory limit of 6 months in which to make its consistency determination.

The applicant must obtain any State or local government permits which may be required.

A preliminary review of this application indicates that the proposed work will not affect listed species or their critical habitat pursuant to Section 7 of the Endangered Species Act as amended.

As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

Review of the latest published version of the National Register of Historic Places indicates that no registered properties listed as eligible for inclusion therein are located at the site of the proposed work. Currently unknown archeological, scientific, prehistoric, or historical data may be lost or destroyed by the work to be accomplished under the requested permit.

The evaluation of the impact of the work described above on the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 of the Clean Water Act. Any person who has an interest which may be adversely affected by the issuance of this permit may request a public hearing. The request, which must be in writing, must be received by the District Engineer, US Army Corps of Engineers, Baltimore District, PO Box 1715, Baltimore, Maryland 21203-1715, within the comment period as specified as above to receive consideration. Also, it must clearly state forth the interest which may be adversely affected by this activity in the manner in which the interest may be adversely affected.

It is requested that you communicated the foregoing information concerning the proposed work to any persons known by you to be interested and not being known to this office, who did not receive a copy of this notice.